Sept. 26, 2019

John Miller, Chief Judge Fla. First Judicial Circuit 190 Governmental Center, Fifth Floor Pensacola, FL 32502

Re: Request for Judicial Records related to the Completion of Sentences

Fla.R.Admin.P. 2.420(m)



3 West Garden St., Suite 712 Pensacola, FL 32502 (786) 363-2738 (Direct) bstevenson@aclufl.org aclufl.org

Benjamin Stevenson Staff Attorney

Dear Hon. Miller,

Pursuant to Fla.R.Admin.P. 2.420(m), the American Civil Liberties Union of Florida, Inc., (ACLU) hereby requests judicial records about the sentences and any fees, fines, or restitution imposed in felony criminal cases.

Thank you for your prompt attention to this request. If you have any questions, wish to obtain further information about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at 786.363.2738.

JUDICIAL RECORDS REQUESTED

An extract of the Escambia County Clerk of Court's case management database of every felony case opened from 1980 to present. The database extract should include all information (fields) related to each felony case (less confidential information) or at a minimum the following information (fields) related to each felony case:

Defendant Information

OBTS No.
Name (First, Middle, Last, & Suffix)
Date of Birth
Address (Last known Street, City, Zip)
Telephone
ID Number

Race

Sex

Charge Disposition Information

Uniform Case Number (including the Defendant Identifier)

Charge Number

Charge's Criminal Statute Number (at Disposition)

Charge Description (at Disposition)

Level & Degree (at Disposition)

Disposition

Disposition Date

Sentence Date

Confinement Location/Type

Confinement Duration

Credit Time Served

Confinement Duration Suspended

Community Control Duration

Probation Duration

Probation Supervisor (County/State)



Uniform Case Number (including the Defendant Identifier)
Description (Type) and Code of Amount Assessed
Amount Assessed, Paid, Waived, and the Balance
Relevant Charge Number, if applicable
Notations about Payment Plan or Judgments & their Due Dates

We request this database extract in an electronic format, preferable as a .txt, .csv., or excel file, and organized in 1-3 tables, whatever is most convenient for you.

BACKGROUND

Amendment 4

On November 6, 2018, a supermajority of nearly 65 percent of Florida voters—more than 5 million people—approved one of the largest expansions of voting rights in the United States since ratification of the 26th Amendment in 1971. In enacting the Voting Restoration Amendment (amending Fla. Const., art. 6, § 4), known as Amendment 4, voters revised the Florida Constitution to abolish permanent disenfranchisement of nearly all citizens convicted of a felony offense. Its passage was a historic achievement for American democracy and made clear that Florida voters intended to end lifetime disenfranchisement and give their fellow citizens a voice in the political process.



The Florida Legislature has since enacted legislation interpreting Amendment 4. Laws of Fla., 2019-162, § 5, p. 27-30. Section 98.0751, Fla. Stat., now conditions voting right restoration not only on completing the terms of incarceration and probation, but also payment of all restitution, fines, and fees ("LFOs") imposed in a felony case.



The ACLU would like to identify persons with a felony conviction who have completed all terms of sentence and may now be eligible to vote. This identification involves comparing databases from several sources. For example, information about a voter's payment of LFOs in each felony case maintained by one clerk would need to be compared to that maintained in other counties to ensure all LFOs were paid. Information about a voter's completion of prison and probation terms maintained by the Florida Department of Corrections would also have to be correlated.

Requests to Clerks

To identify persons now eligible to vote, the ACLU submitted requests for records to each of the 67 clerks of court. All clerks—except Escambia County—have already provided or are in the process of providing the ACLU the requested database extracts.

Request to Escambia Clerk

On June 6, 2019, Laura Uribe on behalf of the ACLU submitted a request to the Escambia Clerk of Court for substantially the same extract of the case management system sought here. The Clerk interpreted the request as one pursuant to Fla.R.Admin.P. 2.420(m). The Clerk is the custodian of "court records." Rule 2.420(b)(3).

In response, the Clerk steered the ACLU to the Clerk's online court records portal (http://74.174.28.52/BMWebLatest/). The Clerk explained that the case management database contains most (although not all) of the initially requested fields and the available information may be obtained through this online portal. However, the Clerk refused to provide an extract of the case management database as requested. The Clerk argued that she does not already store or maintain such an extracted table or list.

The ACLU asserted that the Clerk's online court records portal does not provide meaningful access. The ACLU wants a single (or handful of) list about voters who have paid criminal court debt and completed their sentence in each case in Escambia. Yet, the online court portal only permits the public to view this information by clicking on the individual case details of tens-of-thousands felony cases. Gathering the information on those screens to compare it with other databases would take thousands of hours.



The ACLU has offered (as legally required) to pay for the costs associated with this database extraction.¹ The Florida Court Clerks & Comptrollers stand ready to perform the database extraction—which should take about an hour—upon Escambia's consent. Although the Escambia Clerk would neither incur expense nor need to perform the database extraction, it has refused to grant consent for the ACLU to obtain public information.

Request to Chief Judge

Notwithstanding the Escambia Clerk's position, we now believe that the requested case management system database is most likely comprised of "administrative records." Rule 2.420(b)(1)(B). The chief judge is the custodian of those records. Rule 2.420(b)(3).

Accordingly, we now submit this request to you as the Chief Judge.

ACCESS TO INFORMATION IN A DATABASE

The Florida Constitution's public-access mandate (art. 1, § 24) applies to information in electronic databases. The information in the case management database was "prepared in connection with official agency business," and is "intended to perpetuate, communicate, or formalize knowledge," and thus is subject to public access. *See Shevin v. Byron, Harless, Schaffer, Reid & Assocs., Inc.*, 379 So.2d 633, 640 (Fla. 1980).

¹ In 2008, the ACLU requested similar criminal case information from the Escambia Clerk. The Clerk provided an extract of criminal case information from its case management database and the ACLU reimbursed the Clerk for the incurred expenses.



Database architecture stands in contrast to traditional public-record media. Unlike, for example, a book, the information in a database has no innate organization. Instead, information is only organized and presented once dictated by the user. Consider a *printed* copy of the white pages that is organized by last name. Re-sorting it by first name would be difficult. However, a white-pages *database* has no inherent organization. Thus, a user may view the directory by last name—or just as easily by first name. Furthermore, the user may decide to present only some of the information. For example, the user may decide to exclude the person's first name and address. Or the user may decide to present details about persons whose last name begins with "A." Ultimately, to present information in a database, the user must decide what and how to present it. The database has no understandable form before these decisions are made—before the computer is instructed by a person.

The Clerk decides what and how information is presented on the portal from the case management database. Her online court records portal permits the public access to some information—but she controls what and how the information is shared. For example, the Clerk's database may contain a person's driver's license and social security numbers, but she takes care to ensure that information is not presented on the portal. Similarly, the Clerk limits how the information is displayed and organized.

The Clerk permits the public to generate two lists of details about a selection of cases. Performing a "Case Search," the public can see six details (e.g., name, case number) about cases matching a given criteria, e.g., felony cases involving "John Doe." *See*Attachment A. About a dozen case details are displayed in a search of "Criminal Cases Disposed by CourtType, Year, and Month." *See*Attachment B. Presumably, the Clerk selected details she believed would be most helpful to most users. However, to be sure, the Clerk *chose* which details to present—and could have just as easily chosen to present other details in this list. It makes no difference to the computer. For example, the Clerk could have included in this default list more demographic information about the defendants, the criminal financial obligations assessed and paid, and duration of sentences. But the Clerk has chosen otherwise as is her prerogative.

Instead of providing most case details in the search results (Attachments A & B), the Clerk requires the user to select a case to see more information. *See* Attachment C. The "Case Detail" is not a stand-alone record any more than a page of a lengthy brief is a stand-alone record. Instead, the "Case Detail" is simply another extract of the same case management database with a more limited criteria (a single selected case number) and more information presented. And like the case lists in Attachments A & B, the Clerk chose what and how to present the information.



The Clerk's provision of one or more extracts (Attachments A-C) of her choosing does not foreclose requests for alternative extracts. The Clerk cannot control what and how information from the case management database is accessible by simply selecting a few available views. Otherwise, public access to information in a database would be limited to the information the Clerk choses to include in an extract. Furthermore, the information may be rendered inaccessible by how the Clerk chose to present it. For example, the Clerk could remove the capability to search for cases by a party's name. Although the names would still be "available" on the portal, a person looking for open cases involving a specific person would perhaps have to spend hundreds of hours to review each open case to view the desired cases. This would defeat meaningful public access. Similarly, through the current portal, a person cannot search for cases in which felony financial obligations remain unpaid. The public can find that information in the case detail, but this requires reviewing each felony case—a task that could take thousands of hours. An extract of the same information may be procured in less than one hour. The Clerk defeats meaningful access when she expects the public to spend months searching for information the Clerk could provide in minutes.

* * *

The ACLU's request does not require the creation of a new record. Escambia's case management database already exists. The ACLU's request does not require the reorganization of a record. Escambia's case management database has no inherent organization; a user must decide what and how its information is presented. The ACLU simply requests meaningful access to public information. We request that you give permission to the Florida Court Clerk & Comptrollers to provide an extract of the case management database to the ACLU at no cost to the Escambia Clerk.



Sincerely,

Benjamin Stevenson

cc: Codey Leigh

General Counsel for the Escambia Clerk of Court

ATTACHMENT A

Case Search Results

SEARCH

Search Parameters
Search Type: All
Search:
Cases Found: 5000
Search Time: 4.435 sec

Filters
Opened:
Closed:
Party Type:
Party Year of Birth: 1/1/2018 to 12/31/2018 Defendant (Exclude Alias)

Court Types: FELONY Causes of Action: All Causes of Action Divisions: All Divisions Statutes:

All Statutes

Q New Search

The search may be too broad, please use a more specific search.

| IMMARY | NAME | PARTY TYPE | CASE NUMBER | ≜ STATUS | CITATION # | BOOKING # |
|----------|--------------------------------------|------------|------------------|-----------------|------------|-----------|
| T. | SANCHEZ, ERNEST GUNDER (1939) | DEFENDANT | 2018 CF 002438 A | CLOSED | CHATION # | DOOKING # |
| | PHILLIPS, RAFAEL SANCHEZ (1989) | DEFENDANT | 2018 CF 002276 A | CLOSED | | |
| | MCCORVEY, RHONDA CHEVON (1988) | DEFENDANT | 2018 CF 002275 A | CLOSED | A9Y4VME | |
| | NIX, JAMIE LOUISE (1980) | DEFENDANT | 2018 CF 002274 A | CLOSED | BATTANE | |
| | MCCLENDON, JUSTIN LEE (1989) | DEFENDANT | 2018 CF 002273 A | CLOSED | A95W0DE | |
| | LUCAS, MONIQUE DENAE (1987) | DEFENDANT | 2018 CF 002272 A | CLOSED | 77711000 | |
| | MCARTHUR, MICKEE FACINO (1992) | DEFENDANT | 2018 CF 002271 A | CLOSED | | |
| | LAUGHMAN, BRANDON LANE (2000) | DEFENDANT | 2018 CF 002269 A | CLOSED | | |
| | LEE, SHERVONNE TELACYSHANTELA (1979) | DEFENDANT | 2018 CF 002268 A | CLOSED | | |
| | KILPATRICK, NICHOLAS GLENN (1997) | DEFENDANT | 2018 CF 002267 A | CLOSED | | |
| | HOWARD, KARY GERMAINE (1971) | DEFENDANT | 2018 CF 002264 A | CLOSED | | |
| | HENDERSON, KENDRICK DARNELL (1986) | DEFENDANT | 2018 CF 002263 A | CLOSED | A95W3PE | |
| | HAYES, DAVONTA CARMAIN LEMUEL (1987) | DEFENDANT | 2018 CF 002262 A | CLOSED | A751131 E | |
| | HARRIS, JAMIA RONISE (1985) | DEFENDANT | 2018 CF 002260 A | CLOSED | A9KX11E | |
| | HAMPTON, LEONARD JAMAR (1986) | DEFENDANT | 2018 CF 002259 A | CLOSED | APPORTIE | |
| | GUTIRREZ, BENJAMIN (1988) | DEFENDANT | 2018 CF 002258 A | CLOSED | | |
| | GRIMES, ASHLEIGH NICOLE (1983) | DEFENDANT | 2018 CF 002257 A | CLOSED | | |
| | GARNER, SHEBEYONNE L (1994) | DEFENDANT | 2018 CF 002257 A | CLOSED | | |
| | WILSON, BRIAN WADE JR (1990) | DEFENDANT | 2018 CF 002254 A | CLOSED | | |
| | SMITH, STACEY EVAN (1967) | DEFENDANT | 2018 CF 002253 A | CLOSED | | |
| | WILLIFORD, NAOMI HOPE (1999) | DEFENDANT | 2018 CF 002252 A | CLOSED | | |
| | GAINES, JOSE DANGELO GIOVANTE (1989) | DEFENDANT | 2018 CF 002251 A | CLOSED | | |
| | SANDERS, JUSTIN LEE (1981) | DEFENDANT | 2018 CF 002251 A | CLOSED | | |
| | SANDERS, ANGELIA NICOLE (1992) | DEFENDANT | 2018 CF 002250 B | CLOSED | | |
| <u> </u> | <u> </u> | | 2018 CF 002250 A | | | |
| - | PHILLIPS, ARIEL GITANA (1991) | DEFENDANT | | CLOSED | | |
| <u> </u> | PARRIS, JOSHUA EUGENE (1984) | DEFENDANT | 2018 CF 002247 A | CLOSED | | |
| | ORVIS, KATHRYN JOYCE (1980) | DEFENDANT | 2018 CF 002246 A | CLOSED | | |
| - | MCANALLY, AMBER MARIE (1985) | DEFENDANT | 2018 CF 002245 A | CLOSED | | |
| | MCCURDY, DUSTIN RAYMOND (1992) | DEFENDANT | 2018 CF 002244 A | CLOSED | | |
| | FAYARD, JASON ELAM (1982) | DEFENDANT | 2018 CF 002243 A | CLOSED | | |
| | HUGHES, JESSE EDWARD (1960) | DEFENDANT | 2018 CF 002242 A | CLOSED | | |
| | HAWKINS, ARTISMON DIJUAN (1990) | DEFENDANT | 2018 CF 002240 A | CLOSED | | |
| <u> </u> | HAWKINS, ARTISMON DIJUAN (1990) | DEFENDANT | 2018 CF 002239 A | CLOSED | | |
| | EDWARDS, MATTHEW ONEIL (1987) | DEFENDANT | 2018 CF 002238 A | CLOSED | A95WE7E | |
| | GREEN, ROBERT DOUGLAS (1987) | DEFENDANT | 2018 CF 002237 A | CLOSED | | |
| | FITCHETT, JEREMY KARTIEA (1978) | DEFENDANT | 2018 CF 002236 A | CLOSED | | |
| | DUTTON, JOHN EDWARD JR (1992) | DEFENDANT | 2018 CF 002235 A | CLOSED | | |
| | COCHRAN, JOSHUA WADE (1984) | DEFENDANT | 2018 CF 002234 A | CLOSED | | |
| | DUTTON, JOHN EDWARD JR (1992) | DEFENDANT | 2018 CF 002233 A | CLOSED | | |
| | CLEVELAND, SEBASTIAN AVERY (1970) | DEFENDANT | 2018 CF 002232 A | CLOSED | | |
| | BOUTWELL, MELTON WADE (1970) | DEFENDANT | 2018 CF 002231 A | CLOSED | | |
| | DUBOSE, DEMETRIUS DESHAUN (1984) | DEFENDANT | 2018 CF 002230 A | REOPENED | | |
| | CROSBY, VERNON ANTONIO (1971) | DEFENDANT | 2018 CF 002229 A | CLOSED | A8LZTZE | |
| | BUTLER, OEDWARD JORDAN (1991) | DEFENDANT | 2018 CF 002227 A | CLOSED | | |
| | BURNETT, MICHAEL JEROME (1982) | DEFENDANT | 2018 CF 002226 A | CLOSED | A95W0CE | |
| | BRYE, DONALD QUINTON JR (1977) | DEFENDANT | 2018 CF 002225 A | REOPENED | | |
| | BENNO, RICHARD LAWRENCE (1972) | DEFENDANT | 2018 CF 002224 A | CLOSED | A95WEYE | |
| | BARGE, JUSTIN TAVARES (1982) | DEFENDANT | 2018 CF 002222 A | CLOSED | | |
| | BALDWIN, EFFORD LEONARDO JR (2000) | DEFENDANT | 2018 CF 002221 A | CLOSED | | |
| | SINGH, GURINDER (1982) | DEFENDANT | 2018 CF 002220 A | CLOSED | | |









| | | Criminal Cases Dispose | By CourtType, Year, and Mo | nth Results |
|--|--|------------------------|----------------------------|-------------|
|--|--|------------------------|----------------------------|-------------|

k-- Back to Case Lists

Parameters
CourtType: CT Year: 2018 Aspetts:

461 Beconds Found (CKport) Residt

| _ | CASENUMBER | CASEOPERDATE | DEFENDANTNAME | DOB | RACE | GENERA | CHUARNSE/CXXVIVIE | FINALPLEA | COURTACTIONTAKEN | COURTBECISIONOUGHE | CHARGELEVEL | CHARGEDEGREE | STATUTEHUNNER | STATUTEDESCRIPTION |
|-----|----------------|--------------|--------------------------------|------------|----------|---------|-------------------|-----------------------------------|---|--------------------|-------------|---------------|---------------|---|
| 001 | 2018 CT 000130 | 1/5/2018 | ACKER, BRIANNA DANIELLIS | 5/10/1991 | WHITE | Femulia | 1 | NOLO CONTENDERE//HC | OUILTY [0] | 1/29/2018 | Misdemeanor | SECOND DEGREE | 322_3+(2a) | DRIVING WHILE LICENSE SUSPENDED ITEST (CONNECTION |
| 002 | 2018 CT 000087 | 1/5/2018 | AGEE, JAMESETTA LYNN | 8/18/1977 | BLACK | Femulia | 1 | NO PLEA ENTERED | PRE-TRIAL DIVERSION/INTERMENTION [1] | 1/18/2013 | Misdemeanor | SECOND DEGREE | 320.02(1) | FAILURE TO REGISTER MOTOR VEHICLES |
| 003 | 2017 CT 004334 | 10/12/2017 | AGUIRRE, VALERA MICHELLE | 2/11/1997 | HISPANIC | Female | 1 | NOLO CONTENDERE//HC | FS322,34/ADJ WITHHIELD (PUEL OF GUILTY OR NOLO) [W] | 1/16/2018 | Misdemeanor | SECOND DEGREE | 322.34(2a) | DRIVING WHILE LICENSE SUSPENDED PERST COMMITTION |
| 004 | 2018 CT 000012 | 1/4/2018 | ALAHMAR, ABDULRAHNUM | 7/26/1997 | WHITE | Male | 1 | NOLO CONTENDERE//NCI CONTEST | ADJ W/H BY JDO [W] | 1/8/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 005 | 2018 CT 000467 | 1/30/2016 | ALAS SALAZAR, GIOVANIN | 11/1/1993 | WHITE | Male | 1 | NOLIO CONTENDERE//NG/ CONTEST | ADJ W/H BY JDG [W] | 1/30/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 006 | 2017 CT 005342 | 12/28/2017 | ALEXANDER, EUGENE STUNLEY II | 2/6/1975 | BLACK | Male | 1 | NOLIO CONTENDERE://HCI CONTEST | PROOF OF COMPLIANCE & ADU: WORK [W] | 1/16/2013 | Misdemeanor | FIRST DEGREE | 322_34(2b) | DRIVING WHILE LICENSE SUSPENDED (DND CONNECTION |
| 007 | 2017 CT 003924 | 9/15/2017 | ALEXANDER, MONQUE | 1/18/1966 | BLACK | Femalis | 1 | NOLO CONTENDERE//HCI CONTEST | OUILTY [0] | 1/22/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 008 | 2017 CT 005298 | 12/15/2017 | ALUSON, SHAYNE EARL JR | 11/4/1983 | WHITE | Male | 1 | NOLO CONTENDERE//HGI CONTEST | F5322,34/ADJ WITHHISLD (PUEA OF GUILTY OR NOLO) [W] | 1/4/2018 | Misdemeanor | SECOND DEGREE | 322.34(2a) | DRIVING WHILE LICENSE SUSPENDED PRIST COMMICTION |
| 009 | 2017 CT 005257 | 12/13/2017 | ALVARENGA NUNEZ, SELDIN YOMANI | 2/10/1995 | WHITE | Male | 1 | NO PLEA ENTERED | PRE-TRIAL DIVERSION/INTERMENTION [H] | 1/8/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 010 | 2018 CT 000354 | 1/19/2018 | ALVAREZ GONZALES, JUAN FABLO | 7/11/1994 | WHITE | Male | 1 | NO PLEA ENTERED | PRE-TRIAL DIVERSION/INTESIMENTION [1] | 1/30/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 011 | 2017 CT 003723 | 8/29/2017 | ANDREWS, VINCENT AUGUSTIN | 7/22/1966 | BLACK | Male | 1 | NOLO CONTENDERE//HC | PROOF OF COMPLIANCE & ADDITIONS [W] | 1/2/2018 | Misdemeanor | SECOND DEGREE | 322.34(2a) | DRIVING WHILE LICENSE SUSPENDED PERST COMMICTION |
| 012 | 2018 CT 000259 | 1/19/2018 | AZCONA RALOMO, JOSE EXZMENCIO | 4/4/1971 | WHITE | Male | 1 | NOLO CONTENDERE//NCI CONTEST | ADJ W/H BY JDO [W] | 1/19/2018 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 013 | 2017 CT 004289 | 10/4/2017 | BACH, THOMAS J | 12/31/1958 | WHITE | Male | 1 | NOLO CONTENDERE//INCI CONTEST | OUILTY [0] | 1/19/2013 | Misdemeanor | SECOND DEGREE | 322.34(2a) | DRIVING WHILE LICENSE SUSPENDED PRIST (COMMICTION |
| 014 | 2017 CT 004525 | 10/25/2017 | SALEY, JOHN EDWARD | 8/29/1960 | WHITE | Male | 1 | NOLO CONTENDERE//HC/ CONTEST | ADJ W/H BY JDO [W] | 1/18/2015 | Misdemeanor | SECOND DEGREE | 322.57(2) | No Motorcycle Endorsement on DL |
| 015 | 2017 CT 002381 | 5/31/2017 | BARD, SYMONRAY JON | 3/20/1999 | WHITE | Male | 1 | NO PLEA ENTERED | PRE-TRIAL DIVERSION/INTERMEDITION [H] | 1/4/2018 | Misdemeanor | SECOND DEGREE | 322.03(4) | OPERATE MOTORCYCLE WO LICENSE |
| 016 | 2018 CT 000334 | 1/18/2018 | BAKER, JESSE NOEL | 12/12/1988 | BLACK | Male | 1 | NOLO CONTENDERE//NO CONTEST | ADJ W/H BY JDG [W] | 1/30/2015 | Misdemeanor | SECOND DEGREE | 322.03(1) | NO VALID DRIVERS LICENSE |
| 017 | 2017 CT 005426 | 12/29/2017 | BALDWIN, PHYLESA HOLLINGER | 3/11/1956 | BLACK | Femalis | 1 | NOLO CONTENDERE//HD CONTEST | ADJ W/H BY JDG [W] | 2/1/2018 | Misdemeanor | SECOND DEGREE | 320.261 | ATTACH REGISTRATION LICENSE PLATE NOT ASSIGNED |
| 018 | 2017 CT 005404 | 12/27/2017 | BARBER, CHRISTOPHER CAVIESION | 8/21/1979 | BLACK | Male | 1 | NOLO CONTENDERE/INCI CONTEST | OUILTY [0] | 1/9/2018 | Misdemeanor | SECOND DEGREE | 322.34(28) | DRIVING WHILE LICENSE SUSPENDED PRIST COMMICTION |

ATTACHMENT C

